



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during February 2011
DISTRIBUTED: April 7, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Hazardous Waste:

Northeast Coating Technologies, Inc., Kennebunk, Maine. Northeast Coating Technologies, Inc. ("Northeast Coating") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by discharging hazardous waste isopropyl alcohol to the concrete floor of a secondary containment structure without a license to do so. Northeast Coating violated the Department's rules concerning *Standards for Generators of Hazardous Waste* by: failing to determine if waste isopropyl alcohol and acetone-contaminated gloves and cotton swabs were hazardous; failing to mark containers of hazardous waste with the words "Hazardous Waste" and the accumulation start date; storing a drum of hazardous waste for greater than ninety days without a license to do so; treating or disposing of hazardous waste by laundering waste acetone contaminated gloves on site and discharging the wastewater to the on-site septic system without a license to do so; offering hazardous waste isopropyl alcohol and acetone-contaminated cotton swabs to a transporter or waste facility not authorized to accept or handle hazardous waste; failing to keep a container of hazardous waste alcohol closed; failing to post required signage at each entrance to a hazardous waste storage area; failing to conduct daily inspections of containers of hazardous waste and recording inspection findings in a log; failing to develop, conduct, or document hazardous waste personnel training for those employees who handle or manage hazardous waste; failing to develop and maintain a hazardous waste contingency plan; and failing to execute annual aid agreements in writing with local police, fire, hospital, and emergency response teams. In addition, Northeast Coating violated provisions of the Department's rules for *Identification of Hazardous Wastes* by: failing to designate universal waste lamp storage areas with clearly marked signs; failing to store universal waste lamps in containers that are closed; failing to mark containers of universal waste lamps with the words "Universal Waste"; failing to mark containers of universal waste lamps with the accumulation start date; failing to retain Universal Waste Certificates of Recycling to document proper recycling of universal waste lamps; and failing to train all employees who handle or have responsibility for managing universal wastes on proper handling and emergency procedures. Following Department involvement, Northeast Coating advised the Department of actions taken to correct the violations including: determining that floor drains were sealed; modifying the outdoor Hazardous Waste Storage building to prevent rain water infiltration; inspecting the floor and determining it to be impervious; providing a receipt for hazardous waste training for the facility manager; and submitting a draft hazardous waste contingency plan. To resolve the violations, Northeast Coating agreed to submit personnel training records demonstrating employee hazardous waste and universal waste management training and will pay \$17,700 as a civil monetary penalty pursuant to the terms of a payment plan.

Land:

K & K Excavation, Inc., Auburn, Maine. K & K Excavation, Inc. ("K & K") violated Maine's *Natural Resources Protection Act* by displacing soil, filling and removing vegetation in a freshwater wetland without obtaining a permit from the Department and displacing soil adjacent to a river, stream or brook without first obtaining a permit from



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during February 2011
DISTRIBUTED: April 7, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

the Department. In addition, K & K violated the *Site Location of Development* law by creating a development of state or regional significance that may substantially affect the environment, namely a structure, without first obtaining a permit from the Department and the *Stormwater Management* law by starting construction of a project that includes one acre or more of disturbed area without first obtaining a permit from the Department. Specifically, K & K stripped and graded approximately 5.4 acres with approximately 1,000 square feet of this activity occurring within 75 feet of a stream. In addition, approximately, 18,360 square feet of forested freshwater wetland was altered by filling and removing vegetation. At the time of a Department inspection, insufficient erosion controls were installed at the site and staff observed erosion of soil material beyond the project boundary. Following Department involvement, after-the-fact permit applications were submitted to, and approved by, the Department for the work with the exception that unapproved areas of wetland impact where vegetation had been removed were allowed to naturally revegetate. To resolve the violations, K & K will pay \$10,400 as a civil monetary penalty pursuant to the terms of a payment plan.

Oil:

Odyssey Contracting Corp., Deer Isle and Sedgwick, Maine. Odyssey Contracting Corp. ("Odyssey") violated Maine's *Oil Spill Prevention and Pollution Control* law by causing the discharge of oil and failing to immediately undertake to remove the discharges. Specifically, Odyssey discharged oil from equipment while conducting bridge painting activities on the Deer Isle-Sedgwick Bridge. Following Department involvement, Odyssey removed and properly disposed of approximately seventeen tons of oil-contaminated soil from the subject site under Department supervision. To resolve the violations, Odyssey agreed to clean-up future spills immediately to the Department's satisfaction and paid \$9,500 as a civil monetary penalty.